
SUBSTITUTE SENATE BILL 5691

State of Washington

67th Legislature

2022 Regular Session

By Senate Law & Justice (originally sponsored by Senators Gildon, Honeyford, and Rivers)

READ FIRST TIME 01/28/22.

1 AN ACT Relating to increasing transparency and accountability
2 regarding prosecutorial filing policies and practices; adding a new
3 chapter to Title 10 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 ensure transparency and accountability within the criminal justice
7 system, particularly for those with discretion to charge or divert
8 criminal cases. The legislature intends for local prosecutors to help
9 ensure transparency and local engagement through the production and
10 posting of an annual report detailing local strategy for charging
11 various classes of crimes. The legislature intends to increase public
12 awareness of the discretionary role prosecutors play in the criminal
13 justice system, as well as illuminate the strategy and decisions of
14 local elected prosecutors. The legislature does not intend to burden
15 the prosecutorial bar with undue effort or reporting requirements
16 that would diminish or interfere with a local prosecutor's ability to
17 fulfill his or her role as an elected official.

18 NEW SECTION. **Sec. 2.** (1) All county prosecutors that receive
19 over 5,000 adult felony and misdemeanor referrals annually shall:

1 (a) Track the number and types of adult felony and misdemeanor
2 referrals received from law enforcement agencies;

3 (b) Track the number and types of adult felony and misdemeanor
4 cases where charges are filed;

5 (c) Track the number and types of adult felony and misdemeanor
6 cases where charges are not filed;

7 (d) Track the number of juvenile felony and misdemeanor referrals
8 received from law enforcement agencies;

9 (e) Track the number and types of juvenile felony and misdemeanor
10 cases where charges are filed;

11 (f) Track the number and types of juvenile felony and misdemeanor
12 cases where charges were not filed;

13 (g) Track the number and type of adult felony and misdemeanor
14 cases where the prosecutor has petitioned the court for resentencing
15 pursuant to RCW 36.27.130;

16 (h) Post an annual report on the local jurisdiction website,
17 including the information collected in (a), (b), and (c) of this
18 subsection, as well as a summary of not more than 1,000 words in
19 length describing the local trends in juvenile and adult felony and
20 misdemeanor referrals and charges and summarizing the local
21 jurisdiction's strategy for referring, diverting, or charging certain
22 classes of crimes including, but not limited to, violent crime and
23 property crime; and

24 (i) Provide a copy of any filing standards or policies developed
25 or used by the county prosecuting attorney and his or her agents that
26 precludes taking action on referrals from law enforcement, restricts
27 prosecution of certain crimes, or requires diversion of adult
28 felonies and misdemeanors.

29 (2) Nothing in subsection (1) of this section requires the
30 disclosure of attorney work product.

31 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
32 new chapter in Title 10 RCW.

33 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
34 this act, referencing this act by bill or chapter number, is not
35 provided by June 30, 2022, in the omnibus appropriations act, this
36 act is null and void.

--- END ---